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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,788	08/28/2003	Loren Duvekot	021238-592	5590

21839 7590 01/10/2006

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EXAMINER

FLORES RUIZ, DELMA R

ART UNIT	PAPER NUMBER
2828	

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/649,788

Applicant(s)

DUVEKOT ET AL.

Examiner

Delma R. Flores Ruiz

Art Unit

2828

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 15 is/are rejected.
- 7) ☒ Claim(s) 10-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08/28/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/05/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 16 – 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/12/2005.

Applicant's election with traverse of Group 1, claims 1 – 15 in the reply filed on 12/12/2005 is acknowledged. The traversal is on the ground(s) that Group 1, drawn to laser beam containment system comprising; a plurality of optics, one or more hollow tube. This is not found persuasive because these inventions are distinct for the reasons given above and the search required for Group I, is not required for Groups II and III, restriction for examination purposes as indicated is proper.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 9, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sharon (3,913,582).

**Regarding claim 1**, Sharon disclose in Figures 1 – 4 a laser beam containment system, comprising: a plurality of optics (130, 140, 150, 160) that direct a laser beam produced by a laser beam source (laser are located in housing (10)) along a path to a point of application of said laser beam, one or more hollow tubes (20, 50 and 134, Abstract) that are positioned in an arrangement wherein said laser beam passes through said hollow tubes (20, 50 and 134), at least one of said hollow tubes (50, 134) being adjustably positioned (Column 4, Lines 36 – 67) relative to at least one of said optics (130, 140) to allow for access to said at least one optic for at least one of maintenance and adjustment of said optic (Column 4, Lines 36 – 67).

**Regarding claim 2**, Sharon discloses in Figures 1 – 4 at least one hollow tube includes a first portion (134) that is pivotally attached (61) to a housing (10) for one of said optics (130), and a second portion (50) adapted to be detachably connected to a housing (10) for another of said optics (150 and 160) .

**Regarding claim 3**, Sharon discloses in Figures 1 – 4, one or more adjustably positioned (61, 65, 132) hollow tubes (134) are adapted to be releasably locked in position relative to said optics and said laser beam path to prevents access to said optics and laser beam path (See Fig. 1, Column 3, Lines 26 – 29 and 34 – 53) .

**Regarding claim 4**, Sharon discloses in Figures 1 – 4 at least one hollow tube comprises: a first portion (50) and a second portion (20), said second portion (20) telescoping relative to said first portion (50).

**Regarding claims 5 and 7**, Sharon disclose in Figures 1 – 4 including a locking device (61, 65, 132, 142, 152,) that prevents movement of said first portion relative to said second portion.

**Regarding claim 6**, Sharon discloses in Figures 1 – 4 at least one hollow tube comprises a first portion (134) and a second portion (50) adjustably positioned (61, 65 and 132 and Column 4, Lines 36 – 67) relative to said first portion (134), said first portion (134) comprising a bar with a passage therethrough for said laser beam, and a first end of said second portion (50) fitting over a first end of said first portion (134).

**Regarding claim 8**, Sharon discloses in Figures 1 – 4 a second end of said first portion (134) is pivotally mounted (64,66,67) to a housing (10) for one of said optics (140), and an end of said second portion (50) opposite from said first end of said second portion (50) is detachably connected to a housing (10) for another one of said optics (140).

**Regarding claim 9**, Sharon discloses in Figures 1 – 4, at least one hollow tube (134) comprises a portion pivotally mounted (61) to a housing (10) for said at least one optic (130 and 140), said portion comprising a longitudinal passageway for said laser beam, and a transverse passageway adapted to position an alignment device in the path of said laser beam (Column 3, Lines 56 – 63 and Column 4, Lines 17 – 47).

**Regarding claim 15**, Sharon discloses in Figure 4 a laser beam containment system, comprising: a mirror (116, 126 and 136) that effects a laser beam from a first path to a second path, a hollow tube (240) surrounding the first path, said hollow tube (240) being adjustably positioned relative to said mirror (116) to allow for access to said mirror for at least one of maintenance and adjustment of said mirror (Column 4, Lines 36 – 67).

***Allowable Subject Matter***

Claims 10 – 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delma R. Flores Ruiz whose telephone number is (571) 272-1940. The examiner can normally be reached on M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Min Sun Harvey can be reached on (571) -272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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Business Center (EBC) at 866-217-9197 (toll-free).



Delma R. Flores Ruiz  
Examiner  
Art Unit 2828



Min Sun Harvey  
Supervisor Patent Examiner  
Art Unit 2828

DRFR/MH  
January 5, 2006